

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 21st day of March, 2011 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Vickie Abrego, Mayor Pro Tempore
Ross McElwee Council Member
Jay Attaway Council Member
Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Reggie Winters, City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Rickie Kilgore Fire Chief
Carsten Meyer Emergency Management Coordinator

OTHERS PRESENT: Jim & Alpha Covington, Don Brummett, Capt. Tom Doran, Robert Cohen, Matthew Zuniga, Lupe Torres, Roy Johnson, David Underbrink/Naismith Engineering, Ann Melton, Tencha Keiser, Mike Keller, Randy & Jeanne Hunter, Ed & Ellie Block and J.A. Mills.

There may have been others present who did not sign in.

- 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 P.M. on March 21, 2011.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Pro Tem Abrego gave the invocation. Mayor Knight led the pledge of Allegiance to the United States Flag.
- 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF MARCH 7, 2011.**

Council Member Hyatt made a motion to approve the minutes of March 7, 2011. Council Member Attaway seconded the motion and the motion carried unanimously.
- 4. CONSIDER AND ACT ON APPROVING A FACILITY LICENSE AGREEMENT FOR THE SOFTBALL COMPLEX BETWEEN THE CITY OF ARANSAS PASS AND MR. ROLAND PENA.**

City Manager Reggie Winters stated last year Mr. Pena played three games a week at 600.00 a month. He stated, this year, Mr. Pena would play two games a week at 400.00 a month. He stated Mr. Pena paid his monthly payments on time and had no reported problems with Mr. Pena.

Council Member Attaway made a motion to approve a Facility License Agreement for the softball complex between the City of Aransas Pass and Mr. Roland Pena. Council Member Hyatt seconded the motion and the motion carried unanimously.
- 5. CONSIDER AND ACT ON APPROVING ORDINANCE NO. 2011-3994 – AN ORDINANCE TERMINATING THE CURRENT THREE YEAR ANNEXATION.**

Council Member McElwee made a motion to approve Ordinance No. 2011-3994 – an Ordinance terminating the current three year annexation. Mayor Pro Tem Abrego seconded the motion and the motion carried with Council Member Hyatt voting no.

6. **CONSIDER AND ACT ON APPROVING ORDINANCE NO. 2011-3995 – AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF ARANSAS PASS; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$1,000 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS.**

City Manager Winters recommended tabling Agenda Item No. 6, on behalf of Emergency Management Coordinator Carsten Meyer, until more clarification could be obtained.

Council Member Attaway made a motion to table Agenda Item No. 6. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON RESOLUTION NO. 2011-648 – A RESOLUTION AMENDING A CONN BROWN HARBOR CONTRACT AND LEASE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND ARANSAS MARINE WAYS, INC. AND ACCEPTING CERTAIN TERMS AND CONDITIONS.**

Council Member Attaway made a motion to approve Resolution No. 2011-648 – A Resolution amending a Conn Brown Harbor Contract and Lease Agreement between the City of Aransas Pass and Aransas Marine Ways, Inc. and accepting certain terms and conditions. Council Member Hyatt seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON REVISING DOUG AND NEIL, INC. CONN BROWN HARBOR CONTRACT AND LEASE AGREEMENT.**

Council Member Attaway made a motion to approve revising Doug and Neil, Inc. Conn Brown Harbor Contract and Lease Agreement by removing the 90 day out-clause. Council Member Hyatt seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON RESOLUTION NO. 2011-649 – A RESOLUTION AUTHORIZING AN INTERLOCAL ASSISTANCE AGREEMENT REGIONAL ENVIRONMENTAL ENFORCEMENT TASK FORCE.**

Council Member Attaway made a motion to approve Resolution No. 2011-649 – A Resolution authorizing an Interlocal Assistance Agreement Regional Environmental Enforcement Task Force with one correction (Item 19 – Any suits relating to this Agreement will be filed in a District Court of Nueces County; remove Nueces County and insert San Patricio County). Council Member McElwee seconded the motion and the motion carried unanimously.

10. **CONSIDER AND ACT ON RESOLUTION 2011-650 – A RESOLUTION OF THE CITY OF ARANSAS PASS, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING THAT CENTERPOINTE ENERGY ENTEX AND CENTERPOINTE ENERGY TEXAS GAS SOUTH TEXAS DIVISION REQUESTED INCREASES TO ITS NATURAL GAS RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; PROVIDING FOR RECOVERY OF RATE CASE EXPENSES; PRESERVING REGULATORY RIGHTS OF THE CITY; RESOLVING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNCIL.**

Council Member McElwee made a motion to approve Resolution No. 2011-650 - a Resolution of the City of Aransas Pass, Texas finding, after reasonable notice and hearing that CenterPointe Energy Entex and CenterPointe Energy Texas Gas South Texas Division requested increases to its natural gas rates and charges within the City should be denied; providing for recovery of rate

case expenses; preserving regulatory rights of the City; resolving other provisions related to the subject matter hereof; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal council. Council Member Attaway seconded the motion and the motion carried unanimously.

11. **CONSIDER AND ACT ON APPOINTING A MEMBER TO THE ARANSAS PASS HOUSING AUTHORITY.**

Mayor Knight stated the Mayor (solely) appoints members to the Housing Authority board. He stated he would like to pass on Agenda Item No. 11 until more applications could be obtained.

12. **CONSIDER AND ACT ON APPOINTING MEMBERS TO THE ED AND HAZEL RICHMOND PUBLIC LIBRARY BOARD.**

Mayor Pro Tem Abrego made a motion to table Agenda Item No. 12 until applications could be obtained. Council Member Hyatt seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON AUTHORIZING REPAIRS TO THE ARANSAS PASS AQUATIC CENTER NOT TO EXCEED \$8,000.00.**

City Manager Winters stated repairs would cost between \$5,000 and \$7,000 dollars and would require the pool to be closed for a week. He stated he would like to start the repairs on Monday, March 28, 2011 and be closed for a week and two days.

Council Member McElwee made a motion to approve repairs to the Aransas Pass Aquatic Center and not to exceed \$8,000.00. Council Member Attaway seconded the motion and the motion carried unanimously.

14. **CONSIDER AND ACT ON AUTHORIZING FUNDS FOR PRELIMINARY ENGINEERING AND ENVIRONMENTAL CLEAN-UP AT THE REDFISH BAY BOATHOUSE, LLC SITE.**

Council Member McElwee made a motion to authorize funds for preliminary engineering and environmental clean-up at the Redfish Bay Boathouse, LLC site. Council Member Attaway seconded the motion and the motion carried unanimously.

15. **CONSIDER AND ACT ON WAIVING PERMIT FEES FOR THE HABITAT FOR HUMANITY HOUSE LOCATED AT 855 S. MCCAMPBELL.**

City Manager Winters recommended waiving all fees (not just the permit fees) for the Habitat for Humanity house.

Council Member McElwee made a motion to waive all fees (and not just permit fees) for the Habitat for Humanity house located at 855 S. McCampbell. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

16. **CONSIDER AND ACT ON A CONVERSION TERM AND SITE LEASE AGREEMENT FOR VOICESTREAM PCS II CORPORATION d/b/a T-MOBILE.**

City Manager Winters stated he had heard on the radio this morning (Monday, March 21, 2011) that A.T. & T. had purchased T-Mobile.

Mayor Knight passed on Agenda Item 16 until further information could be obtained.

17. **REVIEW AND DISCUSS FINANCIAL REPORTS.**

City Manager Winters stated sales tax was up by \$10,000, collected ad valorem tax was around eighty-eight percent and every department was within their budget.

18. **CITIZENS COMMENTS.**

Mr. Lupe Torres, President of the Housing Authority Commission, discussed Housing Authority Commissioners and employees of the Housing Authority.

Mr. Robert Cohen asked the Council if the termination of the three year annexation was the property located on Business Hwy 35 North.

Mayor Knight stated yes.

19. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.

Recessed into Executive Session at 7:30 P.M.

A. SECTION 551.074 – PERSONNEL MATTERS – MUNICIPAL COURT JUDGE

20. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Regular Meeting at 8:45 P.M.

A. SECTION 551.074 – PERSONNEL MATTERS – MUNICIPAL COURT JUDGE

No action taken.

21. ADJOURNMENT OF MEETING.

Council Member Hyatt made a motion to adjourn the meeting. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:45 P.M.

Tommy Knight, Mayor

ATTEST:

Yvonne Stonebraker, City Secretary